



General Assembly

Substitute Bill No. 233

February Session, 2010

* ____SB00233PH____032510____ *

**AN ACT CONCERNING THE DISCHARGE OF PATIENTS FOR
NONPAYMENT OF APPLIED INCOME.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 19a-535 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2010*):

4 (b) A facility shall not transfer or discharge a patient from the
5 facility [except] unless (1) the transfer or discharge is necessary to meet
6 the welfare of the patient which cannot be met in the facility, [or
7 unless] (2) the patient no longer needs the services of the facility due to
8 improved health, [or] (3) the health or safety of individuals in the
9 facility is endangered, [or] (4) in the case of a self-pay patient, for his
10 nonpayment or arrearage of more than fifteen days of the per diem
11 facility room rate, [or] (5) the facility ceases to operate, or (6) to the
12 extent permitted by federal law, the patient has failed to pay to the
13 facility the amount of applied income determined in accordance with
14 the methodology established by the Department of Social Services for
15 recipients of medical assistance for more than sixty days. In each case
16 the basis for transfer or discharge shall be documented in the patient's
17 medical record by a physician. In each case where the welfare, health
18 or safety of the patient is concerned the documentation shall be by the
19 patient's physician. A facility which is part of a continuing care facility

20 which guarantees life care for its residents, as defined in subsection (b)
 21 of section 17b-354, may transfer or discharge [(1)] (A) a resident self-
 22 pay patient who has intentionally transferred assets in a sum which
 23 will render the patient unable to pay the costs of facility care in
 24 accordance with the contract between the resident and the facility or
 25 [(2)] (B) a nonresident self-pay patient who has intentionally
 26 transferred assets in a sum which will render the patient unable to pay
 27 the costs of a total of forty-two months of facility care from the date of
 28 initial admission to the facility.

29 Sec. 2. (NEW) (*Effective October 1, 2010*) Each facility, as defined in
 30 subsection (a) of section 19a-535 of the general statutes, shall provide
 31 each patient who has applied for medical assistance with the
 32 Department of Social Services an estimate of the amount of the
 33 patient's applied income determined in accordance with the
 34 methodology established by said department for recipients of medical
 35 assistance. Each facility shall provide a written notice to each such
 36 patient, as evidenced by the patient's written acknowledgment,
 37 containing such estimate and a statement informing the patient that
 38 failure to pay applied income to the facility may result in the patient's
 39 transfer or discharge from the facility pursuant to section 19a-535 of
 40 the general statutes, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	19a-535(b)
Sec. 2	<i>October 1, 2010</i>	New section

AGE Joint Favorable Subst. C/R

PH